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**SENSITIVE**

Office of the General Counsel  
Federal Election Commission  
999 E Street, N.W.  
Washington, D.C. 20463

March 28, 2008

Steve Curtis  
President  
American Right To Life Action  
1535 Grant Street #303  
Denver CO 80203

MUR #

5987

RECEIVED  
FEDERAL ELECTION  
COMMISSION  
OFFICE OF GENERAL  
COUNSEL

2008 MAR 31 A 9:50

RE: Complaint Re: Violation of the Federal Election  
Campaign Laws by Senator Hillary Rodham Clinton

Ladies and Gentlemen:

As the president of and on behalf of American Right To Life Action, the Complainant, (herein "ARTLA" or the "Complainant"), ARTLA hereby complains of an apparent violation of the Federal Election Campaign laws and/or the Federal Election Commission regulations by Senator Hillary Rodham Clinton and/or her Presidential campaign committee (sometimes collectively referred to herein as the "Clinton Campaign").

ARTLA has learned from published news reports and other sources that the Clinton Campaign appears to have violated Federal Election Campaign laws and/or the Federal Election Commission regulations by contracting with and/or soliciting British singer Elton John, a foreign national, to perform a musical concert on April 9, 2008, at New York City's Radio City Music Hall. ARTLA understands and is informed that the Elton John concert is selling tickets for this April 9 concert at \$1,000 per individual or more and that it is intended to raise hundreds of thousands of dollars for and on behalf of the Clinton Campaign.

ARTLA understands that the Federal Election Campaign Act, as supplemented by Federal Election Commission regulations, absolutely prohibits "any foreign national from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly." In this regard, quite clearly, Elton John is a foreign national and equally clearly the contributions and/or donations of his services amount to direct or indirect contributions to raise funds for the Presidential campaign of Senator Hillary Rodham Clinton.

ARTLA is further informed that a 1981 Federal Election Commission opinion prohibits a foreign national from making a contribution of money or other thing of value in connection with election to any political office. Likewise, it is, as ARTLA understands it, unlawful for Senator Hillary Rodham Clinton to have solicited, accepted, or received any prohibited contribution from a foreign national. While there may be exceptions in connection with the donation of volunteer services for routine campaign activities, such as stuffing envelopes and the like, ARTLA believes and asserts, as its complaint, that the Clinton Campaign is in violation

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solicited, accepted, or received any prohibited contribution from a foreign national. While there may be exceptions in connection with the donation of volunteer services for routine campaign activities, such as stuffing envelopes and the like, ARTLA believes and asserts, as its complaint, that the Clinton Campaign is in violation of Federal Election Campaign laws and/or the Federal Election Commission regulations for using a foreign national to raise funds for a presidential election.

Finally, ARTLA believes that this Elton John political fundraiser is such a high profile and flagrant disregard for the spirit of the FECA, that this concert may set precedent and may render the FEC far less able to meet its regulatory responsibility to prevent foreign nationals from raising campaign funds to influence U.S. elections.

ARTLA respectfully requests that the Federal Election Commission initiate the complaint process with regard to this complaint, which is based upon information and belief, and requests that the Federal Election Commission advise ARTLA of progress of this complaint.

Please do not hesitate to contact us if you have questions or require further information.

Sincerely,



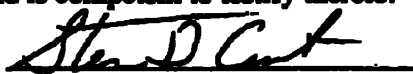
Steve Curtis

STATE OF COLORADO

COUNTY OF Weld

)  
) ss.  
)

Steve Curtis, being duly sworn, upon oath, states that he is over the age of 18, has knowledge of the facts set forth herein on information and belief, and is competent to testify thereto.



Steve Curtis

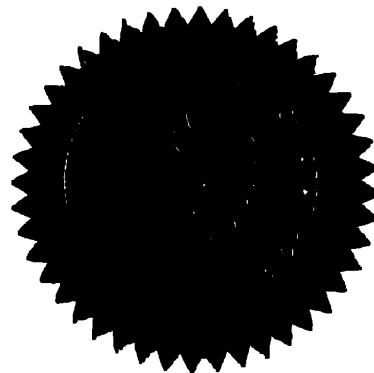
Acknowledged, subscribed, and sworn to before me by Steve Curtis, affiant, this 31 day of March, 2008.

Witness my hand and seal.

My commission expires: 10.25.09

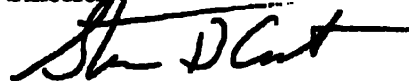


Notary Public



Thank you!

Sincerely,



Steve Curtis  
President  
ARTL Action

## MediaMatters.org Article:

(ARTLA: even this defense of the Clinton Campaign contains sufficient evidence of FECA violations.)

### ***Wash. Times'* McCaslin misrepresented FEC spokesman, advisory opinions, to raise questions about Clinton's Elton John concert**

Thu, Mar 27, 2008 8:35pm ET

Summary: In a column about an Elton John concert on behalf of Sen. Hillary Clinton's campaign, *The Washington Times'* John McCaslin questioned whether the concert violates federal election law and wrote that FEC spokesman Bob Biersack "said he doesn't know whether the Elton John performance would be considered unlawful by FEC standards." While McCaslin later updated his column, he did not note that, according to the Clinton campaign, Biersack said: "I did not intend to convey ... that there is anything unlawful" about the concert. McCaslin also falsely asserted that a 1981 FEC advisory opinion "prohibited a foreign national artist from donating his services in connection with fundraising for a U.S. Senate campaign."

In his March 27 "Inside the Beltway" column, *The Washington Times'* John McCaslin asked: "Are Sen. Hillary Rodham Clinton and Elton John breaking U.S. laws by allowing the British pop singer, a foreign national, to raise hundreds of thousands of dollars for Mrs. Clinton's presidential campaign by performing a concert on her behalf?" He continued: "That's the question Inside the Beltway put to the Federal Election Commission (FEC) yesterday, which does not rule out the possibility." McCaslin noted that, according to the FEC, federal election law bans foreign nationals from "contributing, donating or spending" funds in connection with a campaign "directly or indirectly." Later in the column, McCaslin wrote that FEC spokesman Bob Biersack "said he doesn't know whether the Elton John performance would be considered unlawful by FEC standards." But the Clinton campaign's Fact Hub website quotes Biersack as saying: "I did not intend to convey in my conversation with the Washington Times reporter that there is anything unlawful about Elton John performing in a concert to raise money for a US presidential candidate. The Advisory Opinion 2004-26 is clear in the circumstances of the request that foreign nationals may volunteer and may even solicit contributions from non-foreign nationals, provided they are not soliciting other foreign nationals."

McCaslin has since updated his column by noting that the Clinton campaign "says 'it has complied with the law' surrounding a fundraising concert that Elton John is scheduled to perform," and also adding, "Today, however, Mr. Biersack called attention to an FEC opinion from 2004 (No. 2004-26) that dealt with a Guatemalan national who became engaged to a U.S. congressman and sought guidance on volunteering for his election campaign." However, even in his update, McCaslin did not note that, according to The Fact Hub, Biersack also said: "I did not intend to convey ... that there is anything unlawful" about the Elton John performance.

Additionally, in the update, McCaslin purported to contrast the 2004 opinion that Biersack reportedly cited with a 1981 FEC opinion, falsely asserting that the 1981 opinion "prohibited a foreign national artist from donating his services in connection with fundraising for a U.S. Senate campaign." In fact, the 1981 opinion prohibited a foreign national from donating something tangible -- a painting that person created -- to a campaign; it did not prohibit donating a service alone, as Elton John would be providing Clinton's presidential campaign.

From McCaslin's updated column:

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**"There are a series of advisory opinions issued over the years surrounding situations kind of like this, but not exactly like this," FEC spokesman Bob Biersack told Inside the Beltway earlier. "That's the problem with an advisory opinion -- they're not the same, but they do provide some sense of where the commission stands."**

**Today, however, Mr. Biersack called attention to an FEC opinion from 2004 (No. 2004-26) that dealt with a Guatemalan national who became engaged to a U.S. congressman and sought guidance on volunteering for his election campaign.**

**In that specific case, the FEC ruled that Zury Rios Sosa could be involved in Florida Rep. Jerry Weller's campaign, provided she not be compensated or else help manage or participate in decisions of his campaign committee.**

**By contrast, an earlier 1981 FEC decision prohibited a foreign national artist from donating his services in connection with fundraising for a U.S. Senate campaign.**

**The FEC stated in the 1981 opinion that then-Sen. Howard Metzenbaum's (D-OH) campaign could not accept the artwork from the foreign national because federal election law "prohibits any person who is a foreign national from making 'any contribution of money or other thing of value' in connection with any election to any political office. It is also unlawful for any person to solicit, accept, or receive any prohibited contribution from a foreign national." The opinion added: "Accordingly, the Commission concludes that a foreign national artist would be prohibited by 2 U.S.C. SS 441e from donating his uncompensated volunteer services to the Committee to create an original work of art for the Committee's use in fundraising." By contrast, as McCaslin noted in both his original column and his update, the FEC found, in a 1987 opinion, that a foreign national could "provide uncompensated volunteer services to a presidential campaign."**

**From McCaslin's original March 27 "Inside the Beltway" column:**

**Are Sen. Hillary Rodham Clinton and Elton John breaking U.S. laws by allowing the British pop singer, a foreign national, to raise hundreds of thousands of dollars for Mrs. Clinton's presidential campaign by performing a concert on her behalf?**

**That's the question Inside the Beltway put to the Federal Election Commission (FEC) yesterday, which does not rule out the possibility.**

**First, some background supplied by the FEC: The goal of the 1966 Foreign Agents Registration Act (FARA) was to "minimize foreign intervention" in U.S. elections by establishing a series of limitations on foreign nationals. In 1974, the prohibition was incorporated into the Federal Election Campaign Act (FECA), giving the FEC jurisdiction over its enforcement and interpretation.**

**According to the FEC, FECA "prohibits any foreign national from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive or accept contributions or donations from them. Persons who knowingly and willfully engage in these activities may be subject to fines and/or imprisonment."**

**The question now is whether Elton John is contributing "indirectly" to Mrs. Clinton's campaign and whether the candidate herself has sought to "solicit, receive or accept contributions or donations" from a foreign national, which is unlawful.**

That said, the act does provide a volunteer "exemption" as long as the foreign national performing a service is not compensated by anyone. But this exemption gets tricky and might not apply to Elton John.

Consider that in a 1987 advisory opinion, the commission allowed a foreign national student to provide uncompensated volunteer services to a presidential campaign. By contrast, a 1981 FEC decision prohibited a foreign national artist from donating his services in connection with fundraising for a U.S. Senate campaign.

"There are a series of advisory opinions issued over the years surrounding situations kind of like this, but not exactly like this," FEC spokesman Bob Biersack told Inside the Beltway yesterday. "That's the problem with an advisory opinion -- they're not the same, but they do provide some sense of where the commission stands."

Mr. Biersack said he doesn't know whether the Elton John performance would be considered unlawful by FEC standards. As of yesterday, only \$1,000 and \$2,300 seats remained for sale for the concert, scheduled for April 9 at Radio City Music Hall in New York.

A complaint would have to be filed with the FEC before the commission could issue an advisory opinion, and even then it would remain confidential until completed, Mr. Biersack said.

That said, this column is unable to determine whether a complaint already has been filed, perhaps by the Barack Obama campaign.

From McCaslin's updated column:

Sen. Hillary Rodham Clinton's campaign says it "has complied with the law" surrounding a fundraising concert that Elton John is scheduled to perform on April 9 in New York City on behalf of the Democratic presidential candidate.

The statement came after Inside the Beltway earlier today questioned whether the New York senator and the British pop music star were violating the Federal Election Campaign Act (FECA), which seeks to "minimize foreign intervention" in U.S. elections by establishing a series of limitations on foreign nationals.

The FECA "prohibits any foreign national from contributing, donating or spending funds in connection with any federal, state, or local election in the United States, either directly or indirectly. It is also unlawful to help foreign nationals violate that ban or to solicit, receive or accept contributions or donations from them. Persons who knowingly and willfully engage in these activities may be subject to fines and/or imprisonment."

"There are a series of advisory opinions issued over the years surrounding situations kind of like this, but not exactly like this," FEC spokesman Bob Biersack told Inside the Beltway earlier. "That's the problem with an advisory opinion -- they're not the same, but they do provide some sense of where the commission stands."

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In that specific case, the FEC ruled that Zury Rios Sosa could be involved in Florida Rep. Jerry Weller's campaign, provided she not be compensated or else help manage or participate in decisions of his campaign committee.

By contrast, an earlier 1981 FEC decision prohibited a foreign national artist from donating his services in connection with fundraising for a U.S. Senate campaign.

"Since 1987, the FEC has consistently held that foreign nationals may volunteer their time for campaigns on an uncompensated basis," Mrs. Clinton's campaign said in its statement. "Elton John is simply volunteering his uncompensated time to appear at the concert."

Mr. Biersack said a complaint would have to be filed with the FEC before the commission could issue an advisory opinion on the Elton John concert, and even then it would remain confidential until completed.

—A.H.S.

## **Washington Times article:**

Article published Mar 27, 2008

### **Inside the Beltway**

March 27, 2008

by John McCaslin - Uh-oh (*Updated 2:05 p.m.*)

Sen. Hillary Rodham Clinton's campaign says it "has complied with the law" surrounding a fundraising concert that Elton John is scheduled to perform on April 9 in New York City on behalf of the Democratic presidential candidate.

The statement came after Inside the Beltway earlier today questioned whether the New York senator and the British pop music star were violating the Federal Election Campaign Act (FECA), which seeks to "minimize foreign intervention" in U.S. elections by establishing a series of limitations on foreign nationals.

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**Mr. Biersack said a complaint would have to be filed with the FEC before the commission could issue an advisory opinion on the Elton John concert, and even then it would remain confidential until completed.**

#### **Set himself up**

**"Wait a minute," writes Inside the Beltway reader Mitch Moschetti of Mills River, N.C., after reading our item this week on Elton John performing a fundraising concert in New York next month on behalf of Sen. Hillary Rodham Clinton's presidential campaign.**

**"Didn't Elton John say this country was racist for failing to support a black contestant a couple years ago on 'American Idol?'"**

**Good memory, Mitch. Indeed, Sir Elton did decry the voting process of the "American Idol" TV show as racist, despite the fact that the votes for the contestants are phoned in by the American public.**

**"The three people I was really impressed with — and they just happened to be black, young female singers — all seem to be landing in the bottom three," the British pop singer complained back in 2004. "They have great voices. The fact that they're constantly in the bottom three — and I don't want to set myself up here — but I find it incredibly racist."**

#### **Dine and dish**

**Saying that too many political fundraisers are hosted by Washington lobbyists and filled with representatives of special interests, Sen. Barack Obama will choose four ordinary Americans for what his campaign is calling an intimate dinner with the candidate.**

**The only catch is you must first make a donation in any amount to his campaign between now and 11:59 p.m. Monday, March 31. The four winners then will get to sit down with the presidential candidate and talk about the issues most important to them.**

**The Obama campaign will pay transportation costs for those attending the dinner.**

**• John McCaslin can be reached at 202/636-3284 or [jmccaslin@washingtontimes.com](mailto:jmccaslin@washingtontimes.com).**